



Re: Shri Anirban Chakraborty.pdf; RTI/ACFSH/DESW/8AC(136) dt. 11th September 2022.

3 messages

Anirban Chakraborty <XXXXXXX@gmail.com>

Fri 14 Oct, 2022 at 08:46

To: MANAGING DIRECTOR ECHS <mdechs-mod@nic.in>, DIRECTOR (COMPLAINTS & LITIGATION) <DIRCOMPLAINTS-MOD@nic.in>

Cc: SPS CHAUHAN <rticell-army@nic.in>, P R MOHANTY <dirrckolkata@echhs.gov.in>, us-we <us-we@deswgov.in>, Lt Col SC Katoch <shqkolkata@echhs.gov.in>, Dr. P.P. Sharma <OSD-WE-IC@desw.gov.in>, ECHS Salt Lake <saltlake@echhs.gov.in>, JT DIRECTOR (COMP & LITIGATION) ECHS <JDCLECHS-MOD@nic.in>, rg.dhc@nic.in

To,
The Managing Director C.O. E.C.H.S. New Delhi

and

To,
N. K. Panda Sena Bhawan New Delhi

Copy forwarded for information to
The Registrar General Delhi High Court,

Respected Officials,

With reference to the attached document received yesterday by email in relation to the want of details of court cases where the court has criticised the E.C.H.S. for threatening the beneficiaries and the want of copies of threatening communications of the E.C.H.S. after hiding third party information of the beneficiaries.

Part 1:

You denied the information sought on the ground that the information sought is of fiduciary nature in legal matter.

Counter:

1) In Bristol and West Building Society vs. Mothew [1998 Ch. 1] the term fiduciary is defined as follows :

"A fiduciary is someone who has undertaken to act for and on behalf of another in a particular matter in circumstances which give rise to a relationship of trust and confidence. The distinguishing obligation of a fiduciary is the obligation of loyalty..... A fiduciary must act in good faith; he must not make a profit out of his trust; he must not place himself in a position where his duty and his interest may conflict; he may not act for his own benefit or the benefit of a third person without the informed consent of his principal."

2) The American Restatements (Trusts and Agency) define 'fiduciary' as follows:

"One whose intention is to act for the benefit of another as to matters relevant to the relation between them."

3) Plaintiffs and defendants both approach the courts for their own mutually exclusive interests. The courts, however, have fiduciary relationship with neither the plaintiffs nor the defendants. Courts have the duty to function independently and openly to the public.

4) The CODE OF CONDUCT FOR THE JUDGES OF THE UNITED NATIONS DISPUTE TRIBUNAL AND THE UNITED NATIONS APPEALS TRIBUNAL states the following:

1. Independence

(a) Judges must uphold the independence and integrity of the internal justice system of the United Nations and must act independently in the performance of their duties, free of any inappropriate influences, inducements, pressures or threats from any party or quarter;

(b) In order to protect the institutional independence of the Tribunals, judges must take all reasonable steps to ensure that no person, party, institution or State interferes, directly or indirectly, with the Tribunals.

5) Ms. B. GAYATHRI ADDL .JUNIOR CIVIL JUDGE, RAYACHOTY opined that:

JUDICIAL INDEPENDENCE

2. A judge shall be independent in relation to society in general and in relation to the particular parties to a dispute which the judge has to adjudicate.

6) Moreover, the fundamental right to equality before law and equal protection of law guaranteed by Article 14 of the Constitution enshrines in itself a person's right to be adjudged by a forum which exercises judicial power in an impartial and independent manner consistent with the recognised principles of adjudication.

Conclusion:

A) A court has no fiduciary relationship with the parties to a suit.

B) A Military personnel like you in authoritative position saying that courts function as fiduciary has the meaning that you happen to have experienced that Indian Courts are inclined to the Military and every judgement passed against a person or a group of people is of questionable legality therefore.

C) Do you have any idea, whatever you have said in the RTI Reply is understood as published, and it is likely to cause social unrest and criticism of Indian judiciary.

D) Do you have any idea that you have disgraced Indian judiciary. You in the Military uniform have committed contempt of court.

E) You meant that you act not independently but in fiduciary relationship with accused defence personnel and do partiality to the aged and suffering beneficiaries who file complaints against the administrators and the executives of the E.C.H.S. You have done foul.

F) By denying that information sought you are acting in the interest of the accused defence personnel having fiduciary relationship with them.

Part 2:

You denied the information sought on the ground that publication of the information sought would impede investigation.

Counter:

1) I asked details of judgements, of the disposed cases.

2) I have right to have the information sought. For example, as per Delhi High Court rules:

Records—Their Inspection, Grant of Copies and Destruction: Chapter 5 Part B:

(iii) Grant of certain copies to strangers. A stranger to the suit or appeal or writ or any other proceedings may also obtain as of right, on payment copies of judgments, decrees of orders, at any time after they have been passed or made.

3) Even the CIC has published in its website a compendium of Supreme Court Cases, for free; so why the E.C.H.S. would be any different.

4) The E. C.H.S. has published details of disposed cases to the extent of its own interest: ADVISORY: B/49714-CC/AG/ECHS/5-2016 DEFENCE OF ECHS REIMBURSEMENT CLAIM CASES IN CONSUMER FORUMS (C.O. E.C.H.S. letter being no. B/49714-CC/AG/ECHS dated 12th Nov 2016). It seems that you have formulated a new exception never thought of by the E.C.H.S. ever before.

Conclusion:

I have asked for the information sought related to the disposed cases, publication of which has no relation to any pending investigation and proceedings in courts or any tribunals, just like the E.C.H.S. has published details of a few disposed cases.

Requisition:

I demand to know who has given you such ill advice, by looking at traits I guess it may be NK Panda.

You need to repeal your reply (copy attached) and reply afresh within 48 hours. I tried my best to make you understand and save you from ill advice. I hope you will admit your fault.

This is also to serve warning to NK Panda not to reject my RTI complaint for the empowerment of the E.C.H.S. beneficiaries having PGPORTAL docket no. MODEF/E/2022/05302 dt. 5th Oct 2022 in the like manner. Thanks.

With regards

Anirban Chakraborty

(Authorised representative and the patient party)

S/o
Nk Gopal Chakraborty (Retd.)
2 No. Motilal Colony, P.O.: Rajbari Colony, Kolkata 700081, West Bengal

Ph. XXXXXXXXXXXXXXXX

ECHS Polyclinic: Saltlake
RC: Kolkata

On Thu 13 Oct, 2022 14:54 Col Anirudh Shekhawat, <dircomplaints-mod@nic.in> wrote:

Dear Sir,

Please see attached file.

With Regards,

Director (Complaints & Litigation)
AG's Branch IHQ of MoD (Army)
Central Organisation ECHS
XXXXXXXXXX

XXXXXXXXXX

Disclaimer note on content of this message including enclosure(s) and attachments(s): The contents of this e-mail are the privileged and confidential material of RC ECHS, Delhi-1. The information is solely intended for the individual/entity it is addressed to. If you are not the intended recipient of this message, please be aware that you are not authorized in any which way whatsoever to read, forward, print, retain, copy or disseminate this message or any part of it. If you have received this e-mail in error, we would request you to please notify the sender immediately by return e-mail and delete it from your computer. This e-mail message including attachment(s), if any, is believed to be free of any virus and this office is not responsible for any loss or damage arising in any way from its use.



Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: XXXXXXXXXXXX@gmail.com

Fri 14 Oct, 2022 at 08:47

Address not found



Your message wasn't delivered to **us-we@desw.gov.in** because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 No Such User Here

----- Forwarded message -----

From: Anirban Chakraborty <XXXXXXX@gmail.com>

To: MANAGING DIRECTOR ECHS <mdechs-mod@nic.in>, "DIRECTOR (COMPLAINTS & LITIGATION)" <DIRCOMPLAINTS-MOD@nic.in>

Cc: SPS CHAUHAN <rticell-army@nic.in>, P R MOHANTY <dirckolkata@echhs.gov.in>, us-we <us-we@desw.gov.in>, Lt Col SC Katoch <shqkolkata@echhs.gov.in>, "Dr. P.P. Sharma" <OSD-WE-IC@desw.gov.in>, ECHS Salt Lake <saltlake@echhs.gov.in>, "JT DIRECTOR (COMP & LITIGATION) ECHS" <JDCLECHS-MOD@nic.in>, rg.dhc@nic.in

Bcc:

Date: Fri, 14 Oct 2022 08:46:54 +0530

Subject: Re: Shri Anirban Chakraborty.pdf; RTI/ACFSH/DESW/8AC(136) dt. 11th September 2022.

----- Message truncated -----

Anirban Chakraborty <XXXXXXX@gmail.com>

Fri 14 Oct, 2022 at 08:53

To: us-we@desw.gov.in

To,
N. K. Pand
Sena Bhawan

Respected Official,

I am resending this email because in the original email I entered wrong email address of yours resulting into non delivery. Kindly go through the forwarded email. Thanks.

Anirban Chakraborty

----- Forwarded message -----

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[Quoted text hidden]

Tele :
Telefax :
Email : dircomplaints-mod@nic.in

Central Organisation ECHS
Adjutant General's Branch
Integrated HQ of MoD (Army)

e

B/49714-RTI/AG/ECHS

12 Oct 2022

Shri Anirban Chakraborty
2 No, Motilal Colony
PO-Rajbari Colony, Kolkata
West Bengal-700081

RIGHT TO INFORMATION ACT 2005
IN R/O SHRI ANIRBAN CHAKRABORTY

1. Refer RTI reference No RTI/ACFSD/DESW/8AC (136) dt 11 Sep 2022.
2. Parawise reply to the query pertaining to Central Org ECHS is as enumerated below :-
 - (a) **Part 2, For Ser No 2 (c)**. The information sought by RTI applicant is of fiduciary nature as it pertains to the legal matter and would impede further legal / investigation proceedings and thus denied to the applicant as exempted under Sec 8 (1) (e) and Sec 8 (1) (h) of RTI Act 2005.
3. For information please.



(Deepak Bhatt)
Lt Col
Jt Dir (C & L)
for MD ECHS

Copy to :-

- | | | |
|--------------------------------------|---|---|
| CPIO & Dy Dir to the Gol MoD (DoESW) | - | for info wrt your office letter No 24(09)/2022-D(WE)/Res-1 dt 10 Oct 2022 and even letter dt 11 Oct 2022. |
| ADG (AE) RTI Cell | - | for info pl. |
| Regional Centre ECHS Kolkata-21 | - | for info wrt your letter No 202771/Complaint/Med dt 10 Oct 2022. |
| Stn Cell ECHS Kolkata-27 | - | for info wrt your letter No 103/8/Gen/50/RTI dt 12 Oct 2022. |